

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIR UDDIN, MOIDUL ISLAM,
MOHAMMED UDDIN and JAYED ALI, on behalf
of themselves and on behalf of other similarly-
situated individuals,

Plaintiffs,

-against-

244 WEST 14TH LLC d/b/a The Butter Group,
SCOTT SARTIANO and RICHIE AKIVA,

Defendants.

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/30/17

Civil Action No. 14-cv-7528(RWS)



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PROPOSED] FINAL ORDER GRANTING APPROVAL OF CLASS SETTLEMENT,
ENHANCEMENT AWARDS TO NAMED PLAINTIFFS, AND ATTORNEYS' FEES AND
EXPENSES TO CLASS COUNSEL

This matter came before the Court on Named Plaintiffs' Unopposed Motion for Final Approval of Class Settlement and Enhancement Awards to Named Plaintiffs and Class Counsel's Unopposed Motion for Approval of Attorneys' Fees and Expenses (the "Final Approval Motions"). Defendants agreed, for settlement purposes only, not to oppose the Final Approval Motions.

1. Based upon the Court's review of the Final Approval Motions, including the Declaration of David E. Gottlieb, Esq. ("Gottlieb Decl."), and all other papers submitted in connection with the Final Approval Motions, as well as the arguments presented at the Fairness Hearing before the Court on January 26, 2017, the Court grants final approval of the settlement memorialized in the Settlement Agreement, attached to the Gottlieb Decl. as Exhibit 1.¹

¹ Capitalized terms used in this Order shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein.

2. For settlement purposes, the Court certifies the following class under Federal Rule of Civil Procedure (“Rule”) 23(e):

All tipped Servers, Bussers and Runners who worked at the New York City establishments known as The Darby and/or Darby Downstairs, located at 244 West 14th Street, New York, New York 10011 between October 1, 2010 and September 14, 2013 (“Settlement Class”).

3. The Court finds that the Settlement Class meets all of the requirements for class certification under Rule 23(a) and (b)(3).

4. The Court approves the settlement and all terms set forth in the Settlement Agreement, including the release of claims under the Fair Labor Standards Act, and finds that the settlement is, in all respects, fair, adequate, reasonable, and binding on all members of the Settlement Class who have not timely and properly opted out of the Settlement pursuant to Paragraph 3.8 of the Settlement Agreement.

5. The Court grants Class Counsel’s Unopposed Motion for Approval of Attorneys’ Fees and Expenses and awards Class Counsel \$75,000 in attorneys’ fees, plus \$2,426.09 in costs and expenses reasonably expended in litigating and resolving the lawsuit. These amounts shall be paid from the Qualified Settlement Fund.

6. The Court finds reasonable and approves payment of the Enhancement Awards for Named Plaintiffs Monir Uddin, Moidul Islam, Mohammed Uddin and Jayed Ali in the amount of \$5,000 per Named Plaintiff. These amounts shall be paid from the Settlement Fund.

7. The Court authorizes the payment of the Claims Administrator’s fees to Garden City Group, estimated to be \$14,300, as set forth in the Declaration of Mark Patton, attached to the Gottlieb Decl. as Exhibit 5. This amount shall be paid from the Settlement Fund.

8. If no individual or party appeals this Order, the "Final Effective Date" of the settlement will be 30 days after the Order is entered.

9. If an individual or party appeals this Order, the "Final Effective Date" of the Settlement will be the day after all appeals are finally resolved.

10. Within 14 days of the Final Effective Date, Defendants will deposit Two Hundred Twenty-Five Thousand Dollars and Zero Cents (\$225,000.00) into an escrow account established and administered by the Claims Administrator.

11. Within 14 days after receipt of Defendants' payment into the escrow account, the Claims Administrator will send the Settlement Checks to the Settlement Class, the Court-approved attorneys' fees and costs to Wigdor LLP, the Court-approved Enhancement Awards to the Named Plaintiffs, and the Court-approved Claims Administrator's fees to Garden City Group.

12. Any and all unclaimed settlement funds and amounts remaining in the escrow account 190 days after the settlement checks are mailed will revert back to Defendants.

13. Given the Court's final approval of the Settlement, the Court dismisses this action with prejudice, without costs to any party, and all Named Plaintiffs and Class Members release any and all claims in accordance with the terms of the Settlement Agreement.

14. The Court retains jurisdiction over the interpretation and implementation of the Settlement Agreement.

It is so ORDERED this 17 day of January 2017.

The Honorable Robert W. Sweet
United States District Judge